

Message

From: Pero, Haley (Sanders) [Haley_Pero@sanders.senate.gov]
Sent: 7/14/2015 7:30:59 PM
To: Brown, Rudy [Brown.Rudy@epa.gov]; Berry, Tom (Leahy) [Tom_Berry@leahy.senate.gov]; George Twigg (george.twigg@mail.house.gov) [george.twigg@mail.house.gov]
CC: Tisa, Kimberly [Tisa.Kimberly@epa.gov]
Subject: RE: Leddy Park Soil Storage - Burlington

Hi Rudy,

I'm available anytime tomorrow after 10:30am or so. 11-12 works for me.

Best,
Haley

From: Brown, Rudy [mailto:Brown.Rudy@epa.gov]
Sent: Tuesday, July 14, 2015 3:30 PM
To: Berry, Tom (Leahy); Pero, Haley (Sanders); George Twigg (george.twigg@mail.house.gov)
Cc: Tisa, Kimberly
Subject: Leddy Park Soil Storage - Burlington

Tom, Haley, George,

If you are available, I believe it would be useful to schedule a conference call to talk about Leddy Park briefly. Kim is available for a call tomorrow; she can clarify our role regarding the Park, and also contacts with VT DEC. Our schedules are flexible, 11 to noon works for us. Please let me know if you would like to talk with us and your availability. Thanks.

From: Brown, Rudy
Sent: Tuesday, July 14, 2015 2:38 PM
To: 'Berry, Tom (Leahy)'; 'Pero, Haley (Sanders)'; George Twigg (george.twigg@mail.house.gov)
Subject: Leddy Park Soil Storage - Burlington

Tom, Haley, George,

Kim Tisa, our PCB Coordinator, has not yet spoken with VT DEC. She did, however receive a brief e-mail from them indicating that the meeting with the City yesterday was constructive and went well.

As I receive information I will pass it along.

From: Berry, Tom (Leahy) [mailto:Tom_Berry@leahy.senate.gov]
Sent: Monday, July 13, 2015 12:49 PM
To: Brown, Rudy
Cc: Twigg, George (George.Twigg@mail.house.gov); Pero, Haley (Sanders)
Subject: Leddy Park Soil Storage - Burlington

Rudy — please see the attached communications from the Burlington Parks and Rec. Department and the news story below from the Burlington Free Press. They regard stockpiles of possibly contaminated soil that have been stored for months in a highly public area near residential neighborhoods in Burlington. Burlington constituents have approached each of our offices asking about EPA authority/responsibility as regards this project.

Can you please look into what EPA Region 1 involvement has been and is expected to be and let us know?

Thanks in advance.

Tom

April Burbank - Burlington Free Press (Original)

July 10, 2015

For some neighbors, dirty soil has overstayed its welcome in Burlington's Leddy Park.

The massive piles of contaminated soil — left over from construction on the city bike path — were dumped in the parking lot last fall and covered with plastic and tires.

At the time, a city contractor wrote to the state Department of Environmental Conservation that the piles would be removed within four to six weeks "before being transported to the appropriate waste facility depending on lab results."

More than nine months later, nearby residents are getting nervous. Neighbors have begun trading photos, theories and worries about contamination — prompting the city to respond.

The soil contains low levels of arsenic, lead and other contaminants. City officials argue the soil is fully contained and poses no danger to health or to the environment.

Bill Burrell, a middle-school science teacher with a background in chemistry and soil laboratory testing, is concerned about contaminants' running off through torn plastic, leaching to the nearby beach and affecting property values and health.

Burrell recently shared his concerns on Front Porch Forum and took photos showing what he believed to be contaminated soil washing into the parking lot.

"My primary concern is children, and everyone knows the health risks involved in these contaminants," Burrell said in an interview with the Burlington Free Press. "The only goal I have is to have the pile moved to a more conducive setting immediately."

Jim Holway, a member of the steering committee for the Neighborhood Planning Assembly, has stepped into the debate by writing a letter to Mayor Miro Weinberger, city councilors and state representatives.

Holway said the neighborhood suffers from a lack of information.

"The bottom line really is, for the folks out here, is that we don't know what the (contamination) level is," Holway said. "It's been sitting there since November — certainly they knew even before November that they were bringing this material here — so it's hard to imagine why they don't have the information on this already."

Jesse Bridges, director of Burlington Parks, Recreation and Waterfront, said neighbors have "stoked some fear" about the soils online.

"In the absence of people getting information directly from us, they'll kind of turn to anybody who says they're an expert in X," Bridges said.

Burlington chose the stockpiling location, he explained, because Leddy Park's parking lot was the largest impervious area available.

The city inspects the soil piles regularly, Bridges said, and he wrote in a memo that the piles are wrapped in plastic away from flood plains and drinking water wells.

Bridges is among many Burlington parents who send their kids to summer camp at the park.

"I'm not putting my daughter in camp at Leddy if I felt like there was some issue here," Bridges said. "There's no way."

Dirt and red tape

City leaders and state officials alike want the piles to move — but there's no consensus on whose responsibility it is to allow that to happen.

"We have been asking them to dispose of the soils for a while," said Trish Coppolino, an environmental program manager for the Vermont Department of Environmental Conservation sites management section.

Bridges agreed: "It is not the city's intention in any way for that pile to be there long-term."

The Leddy Park soil contains polychlorinated biphenyl, or PCBs, which Bridges said come from the days when train engines were parked at the waterfront. These chemicals were banned by the U.S. Environmental Protection Agency in 1979 and fall under federal oversight.

The majority of the soil contains relatively low levels of arsenic, polycyclic aromatic hydrocarbons and lead in addition to low levels of PCBs, Bridges said. The presence of PCBs limits the city's disposal options.

Coppolino, the state environmental official, characterizes the Leddy Park soils as "not clean" but also "not hazardous waste."

Burlington is waiting for the EPA to decide just how much of the soil falls under federal jurisdiction, Bridges said.

Burlington also is working with the state about additional soil-sample testing.

The state believes all the soil falls under EPA oversight: "These soils all have PCBs in them," Coppolino said.

The presence of PCBs, Coppolino added, means the soils are ineligible for a new state law passed this year allowing developers to reuse urban soil rather than merely dumping the dirt in a landfill.

Coppolino pointed out delays in Burlington's communication with the state.

The city submitted a soil-management plan for putting the soils in Leddy Park after the dumping had begun, Coppolino said. Bridges countered that the post-dumping filing was simply an amendment to a previously submitted document. Either way, the state eventually approved the plan.

In addition, Burlington tested soil samples in October, Coppolino said, but submitted results to the state in April. For about six months, the state was unclear what the soil contained.

Bridges said the city was busy with project design and analyzing soil samples during that time.

'Nothing pretty'

The signs at Leddy Park originally said the piles would be moved this summer. Now the signs say simply "2015."

In a memo on BTVbikepath.com, Bridges states his goal is to remove or reuse the soil before winter.

He's "very confident" in that timeline, he said.

"It's inconvenient, and it's nothing pretty to look at, and we want to move it and take care of it as soon as possible, just like the community does," Bridges said.

In the meantime, the Wards 4 and 7 Neighborhood Planning Assembly website prominently features photos of the soil piles with the caption, "Arsenic and PCBs in area where children play. What is the City thinking?"

Some neighbors fear the soils were dug up around the Moran Plant, the former coal-burning power plant on the Burlington waterfront.

That's not the case, said Bridges, who has been busy subduing rumors.

"These are not the Moran Plant soils," Bridges said. "These are Waterfront Park soils."

Also of concern to Bridges was a recent gash in the tarp over the piles, apparently the result of vandalism. He wondered if someone was trying to make the city look bad.

Holway, the Neighborhood Planning Assembly steering committee member, said local residents soon will have a chance to discuss the soil piles — perhaps at a special forum.

"I think that kind of dialogue will calm people down," Holway said.

In an interview at The Bagel café, a few blocks from Leddy Park, Bill Burrell — the science teacher whose online observations stirred the recent controversy — flipped through photos on his iPad and presented himself in an interview as a reluctant activist.

"I don't like doing this, by the way," Burrell said. "This is not my hobby."

As a middle-school science teacher, he said he'd much rather enjoy his summer vacation.

"I do not wish to be adversarial," Burrell said. "I do not see this as an us-against-them situation. I continue to be highly supportive of all smart growth and urban intensification that Burlington is enjoying."

Burrell said he's trying to help the city avoid costly cleanup and divisive community fights.

"I'm familiar with how quickly these issues can just take on a life of their own," he said.